REMARKS

Claims 1-34 are currently pending in the application. By this amendment, claims 1, 21 and 28 are amended for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each .

The Examiner has objected to the drawings. The Examiner's indication in the body of the office action that the informal drawings submitted with the application are satisfactory for examination purposes, and that formal drawings will be required upon allowance, is acknowledged.

The Examiner's indication that claim 2 contains allowable subject matter is acknowledged with appreciation.

The Examiner has rejected claims 1, 4-5, 8-9, 12-14, 18-21, and 28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,799,082 to Murphy et al. ("Murphy") in view of U.S. Patent No. 5,646,977 to Barton and U.S. Patent No. 6,642,956 to Safai.

The prior remarks submitted in the response filed April 20, 2005, are incorporated by reference and are maintained except where inconsistent with the present remarks. In particular, the claimed "meaning for comparing" is not defined with sufficient precision in the claims. The Examiner points out, in response to the applicant's prior argument, that Murphy compares "position information in the frame . . . with position information on file elsewhere". The Examiner's comments are well taken. Upon reflection, the claim language did not address the invention with adequate precision.

The "comparing means" employed by the invention does indeed, as claimed, enable determination whether the Encoded Data Array is embedded in the target Composite Array. However, the significance of the comparing means is not whether the embedded data array and the composite array are "encoded". The Examiner

notes, correctly, that Murphy's teaching provides a form of encoding (i.e. digital storage) for the position data.

The significance of the comparing means is that it is not necessary to extract the authentication information for comparison. The determination is effective, even though the user performing the authentication does not know what the authentication information is. This capability enables multiple layers of authentication as described at page 10, lines 11-17 (see the repetitions in claim 3), and flexibility with respect to distinguishing between those able to authenticate and those able to extract the encoded information (as described at page 8, lines 15-19). In practical terms, authentication can be done separately from decryption.

That was the purpose of the claim language "said comparing means thereby being able to determine whether ... is embedded in ..." and the argument about Murphy teaching "a comparison using extracted and recovered information in the clear" (emphasis supplied). The comparing means taught by the invention enables a comparison to be done limited precisely to the "embedded in" determination, without requiring anything more. This narrow precision is a powerful aspect of the invention.

The Examiner's thoughtful observations are appreciated, and the claim language in independent claims 1, 17 and 28 has been suitably amended to make clear this important feature of the claimed invention. In particular, the amended language adds the following:

> , said comparing means being further limited by being able to make said determination without extracting or otherwise decoding information in said Encoded Data Array

It is believed that this amendment distinguishes the invention over the prior art of record.

The Examiner has rejected claims 6, 10-11, 25-27, and 32-34 under 35 U.S.C. §103(a) as being unpatentable over Murphy and Barton and Safai as applied to claims 1, 21 and 28, and further in view of U.S. Patent No. 5,583,950 to Prokoski. The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over

Murphy, Barton and Safai as applied to claim 1, and further in view of U.S. Patent No. 5,862,217 to Steinberg. The Examiner has rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Murphy, Barton and Safai as applied to claim 1, and further in view of U.S. Patent No. 5,841,886 to Rhoads. The Examiner has rejected claims 15-17 under 35 U.S.C. §103(a) as being unpatentable over Murphy, Barton and Safai as applied to claim 1, and further in view of U.S. Patent No. 6,526,158 to Goldberg. Since these rejected claims depend from claims now believed to be in allowable form, it is believed that these further rejections are also overcome.

Several additional comments are appropriate regarding the Examiner's points on a number of the dependent claims:

With respect to claim 3, the cited passage from Steinberg refers to the steps shown in Fig. 3, where the process provides for an initial encryption of the image with a temporary encryptor (item 95), which is then decrypted (item 98) prior to a final encryption (item 104) of the image. Thus the temporary encryption is, in fact, temporary and does not persist. This does not disclose what is disclosed and claimed in the present invention, namely, that different successive composite images, each being created by the addition of authentication information, could be the subject of a further authentication step by recursive repetition of the steps of the invention. No such repetition is disclosed or suggested by Steinberg.

With respect to claim 14, the cited passage from Murphy discloses that downloading of an image for authentication can be initiated ("triggered") by a hardware key device (col. 15, line 29). However, the intended meaning of the claim was triggering the entire system process – beginning with image capture – by an external event sensed by another device, not with one step in the process such as downloading. The Examiner's attention is drawn to the fact that claim 14 was amended in the prior response to clarify this point; it will be observed that the Examiner's argument for rejection appears to have been copied from the office action mailed on August 11, 2004, prior to the clarifying amendment.

With respect to claims 15-17, the cited passages from Goldberg do not appear to disclose an independent triggering of the camera but rather a coordination and analysis of the image. For example, there is no suggestion that an image is triggered by a face recognition device, but rather that the location of a patron's face in the image can be determined using feature recognition programs. This is clearly after the fact and has nothing to do with triggering the image capture. The images in Goldberg are taken by fixed cameras in an entertainment venue where the patrons carry an electronic identification tag that is decoded by readers positioned at various locations. Since there are many patrons, the issue is one of coordinating images with patron ID information sensed by the readers. However, it is clear that image capture is not triggered by these readers but rather, for example, by an amusement ride car passing a switch (item 143 in Fig. 3).

In any event, claims 14-17 depend from claim 1, and since claim 1 is now believed to be in allowable form those claims depending from claim 1 are also allowable.

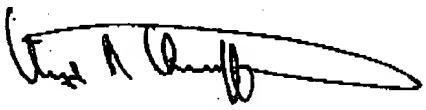
With respect to claims 26-27 and 33-34, Murphy's disclosure does not permit what is claimed, that is, a single processing step for authenticating the entire stack of sequential images. While it is true that the present inventor's prior patent (Prokoski '950) contemplates processing a stack of images, one skilled in the art would not be able to apply this teaching to Murphy, whose disclosure requires a separate examination of each image for authentication purposes. Murphy would have to be modified in accordance with the present invention, which is impermissible hindsight. But in any event, these claims depend from claims now believed to be in allowable form and therefore are also allowable.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1-34 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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